

REMARKS

This paper is filed in response to the final Office Action mailed on June 17, 2010. Claim 1 is currently amended. No claims are currently cancelled. Claims 1-5, 7-19, 23, 24, 26, and 28-32 are currently pending.

In light of the following remarks, the applicant requests withdrawal of the pending rejections and advancement of this application to allowance.

Preliminary Matters

The Office Action does not contain a rejection or analysis of claims 23 or 24. The applicant respectfully requests allowance of these claims.

Claim Amendment

Claim 1 was amended to clarify that batch-down loading comprises successively downloading at least two parameters without intervention from a user. This amendment is supported throughout the pending patent application, including at least the text from page 5, lines 3-7; page 25, lines 19-21; page 26, lines 8-21; and page 27, lines 15-19.

Rejections under 35 U.S.C. § 103

Claims 1-3, 6-19, and 26-32 stand rejected as being obvious over Peterson (US 5,788,669) in view of Eggers (US 5,713,856) and in view of Official Notice and in even further view of Blomquist (US 5,658,250). Claims 4 and 5 stand rejected as being obvious over Peterson in view of Eggers in view of Blomquist in view of Official Notice as applied to claim 3 above, and in further view of Medisource. Claim 27 was cancelled in the Response filed December 17, 2010 and the rejection of this claim is now moot. The applicant respectfully traverses these rejections and does not concede any characterizations of the pending application or cited references provided in the Office Action.

a. Claims 1-5

As amended claims 1-5 recite a method that comprises the combination of a “plurality of data items forming a set of program data, at least some of the data items being individualized, patient-specific parameters” and “batch-down loading the plurality of data items into memory

within the pump, at least some of the data items batch-downloaded into memory being individualized, patient-specific data items, batch-down loading comprising successively downloading at least two parameters without intervention from a user.” None of the cited references either individually, or in combination, teach or suggest “successively downloading at least two parameters without intervention from a user” as recited in amended claim 1.

Therefore, no combination of the cited references can result in the claimed combination of elements recited in claims 1-5. For at least the foregoing reasons, the applicant respectfully submits that claims 1-5 are not obvious over the cited references and respectfully requests withdrawal of the pending rejections.

b. Claims 7-19, 23, 24, 26-32

Page 11 of the Office Action cites Blomquist, col. 11, l 64-col. 12, l. 10, in support of the rejection of these claims. This cited passage states:

Keyboard 24 can intentionally be provided with a limited number of keys to keep operation of pump 12 through keyboard 24 simple. However, some applications and even some patient specific settings may involve numerous inputs such that the use of a standard keyboard, through computer system 30 may be advantageous. Downloading of this information from a computer system 30 is useful since all of the inputs of information can be made through a standard keyboard of computer system 30. The present invention provides the caregiver with the ability to download just applications to flash memory 150, or applications to flash memory 150 and patient specific settings to the other memory locations without entering information through keyboard 24.

The Office Action states this passage discloses, “downloading . . . patient specific settings . . . without entering information through a keyboard.” This passage does not teach batch downloading of patient specific settings. On the contrary, reading the full context of the entire paragraph, it suggests only that it is easier for a user to enter individual data items via a full-size QWERTY keyboard than the limited keyboard on the pump interface.

This interpretation of the cited passage from Blomquist is corroborated when read in the further context of other teachings in the patent. For example, col. 9, lines 45-53 teach that patient specific information is stored in RAM on the pump. Col. 9, line 54-col. 10, line 9 then teaches application programs are stored on the computer for downloading to the pump. There is no teaching that patient specific information is stored on the computer. In another example, Blomquist explicitly teaches, “User prompts are preferably provided for requesting the caregiver

to enter the particular settings when entered via computer system 30.” Col. 10, ll. 15-17. The teaching of user prompts for entry of patent specific information teaches that the computer presents a query for each individual patient specific data item, which teaches away from batch loading of data. The teaching also notes that the patient specific information is entered into the pump via the computer system, not into a database in the computer for later downloading to the pump. Therefore, Blomquist fails to teach or suggest batch-downloading individualized, patient-specific parameters.

The other cited references also fail to disclose batch-downloading individualized, patient-specific parameters. Therefore, no combination of the cited references can result in the claimed combination of references. For at least the foregoing reasons, the applicant respectfully submits claims 7-19, 23, 24, 26, and 28-32 are not obvious over the cited references and respectfully requests withdrawal of the pending rejections.

Conclusion

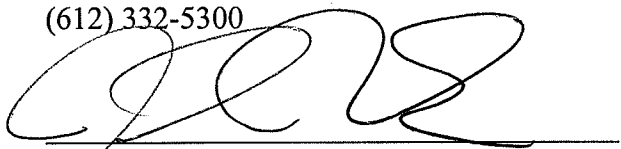
In view of the foregoing remarks, the applicant respectfully requests withdrawal of the pending rejection and advancement of this application to issuance. The applicant also notes that there may be additional reasons that the claimed invention is patentably distinct from the cited references in addition to those raised in the above remarks. Furthermore, any cancellation or amendment of the claims during prosecution of this patent application is made without prejudice. The applicant reserves the right to raise any arguments in support of patentability and the right to prosecute any cancelled subject matter, whether such subject matter was cancelled through cancellation or amendment of a claim.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact the undersigned attorney at (612) 336-4608.

Respectfully submitted,

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